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LACASSE & ASSOCIATES, LLC  
1725 DUKE STREET  
SUITE 650  
ALEXANDRIA, VA 22314

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/08/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/500,439

Applicant(s)

RUVOLO ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/29/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The corrected or substitute drawings were received on July 24, 2002. These drawings are not acceptable due to unnecessary shading found in Fig. 3. This shading may affect figure clarity when reproduced.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-2, 4, 10-15, 17, 22-26, 28, and 34-37 are rejected under 35**

**U.S.C. 102(a) as being anticipated by Xcontact.**

Referring to claims 1, 14, and 26. Xcontact discloses a computer-based method, system, and article of manufacture equivalent to a computer-based method, system, and article of manufacture of dynamically presenting potential contacts to a user comprising the following:

- Retaining user preferences in computer storage (at least page 4, *sort functions*);
- Retaining a list of possible contacts (at least page 4, *contact list*);
- A contact list stored in computer storage, said contact list comprising at least identifying information and available images of said contacts (at least page 4, *browser sample*);

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- A list comprising at least identifying information of said contacts (at least page 4, *browser sample*);
- Searching said list of possible contacts to select a potential contact based on said user preferences (at least page 4, *powerful search functions*);
- Retaining potential contacts selected during said search (at least page 4, *last search is saved*);
- Displaying to the user an available image or other identifying information of a potential contact (at least page 4, *browser sample*).
- A manual request unit (at least page 4, *powerful search functions*);
- A time-based request unit (at least page 3, *alarms*); and
- A request processor, said processor detecting an invocation output from said manual request unit or said time-based request unit and initiating said search module to select one or more possible contacts, and wherein said selected candidates are stored in computer storage and processed to display, by said display module, said selected contact image or information to the user (at least page 4, *last search is saved, so the Contact List window will be displayed automatically...*).

Referring to claims 2 and 15. Xcontact further discloses user preferences wherein said user preferences comprise either preferences input by the user (at least page 4, *browser sample*) or pre-selected default preferences (at least page 4, *sort functions*).

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Referring to claims 4, 17, and 28. Xcontact further discloses a list of contacts comprising any of: Name, organization, work address, home address, telephone numbers, pager numbers, cellular numbers, e-mail address, personal or professional identifiers, special dates, and contact dates (at least page 4, *browser sample*).

Referring to claims 10, 22, and 34. Xcontact further discloses a computer-based method and system wherein displaying step further comprises insertion of said contact image or identifying information into a GUI (at least page 4, *browser sample*).

Referring to claims 11, 23, and 35. Xcontact further discloses a computer-based method and system wherein a GUI comprises an electronic organizer (at least page 2, *browser sample*).

Referring to claims 12-13, 24-25, and 36-37. Xcontact further discloses a method and system wherein said method and system may be implemented locally or remotely on one or more computer based systems, across networks, LANs, WANs, cellular, Internet, Web-based networks or existing communication mediums (at least page 3, *compatible with your WEB Browser and E-mailer*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 9, 16, 21, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xcontact.**

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Referring to claims 3, 9, 16, 21, 27, and 33. Xcontact further discloses user preferences wherein said user preferences comprise any of:

- Professional or personal contact (at least page 4, *browser sample*),
- Automatic or manual preference on initiating the searching step (at least page 3, *alarms* and page 4, *sort functions*).

Xcontact does not expressly disclose a computer-based method, system, and article of manufacturer wherein said search step is repeated until a maximum number of candidates for selection has been achieved. Examiner takes official notice that a search step that is repeated until a maximum number of search results are achieved was art recognized at the time of the invention. It would have been obvious for a maximum number of search results to be achieved during a search step in order to provide the user with an efficient and accurate searching means. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the system of Xcontact to include a search step that is repeated until a maximum number of search results are achieved.

**Claims 5, 7-8, 19-20, 29, and 31-32 are rejected under 35 U.S.C. 103(a) as being anticipated by Xcontact U.S. Patent No. 5,737,726, in view of Kennedy et al. U.S. Patent No. 5,831,611.**

Referring to claim 5. Xcontact discloses a computer-based method according to claim 1 as indicated supra. Xcontact does not expressly disclose a searching step wherein said searching step is initiated either manually by the user or automatically by a time-based reference in the user preferences. Kennedy et al. discloses a searching

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step wherein said searching step is initiated either manually by the user or automatically by a time-based reference in the user preferences (at least column 2, lines 46-58 and claims 12-13).

In claim 9, Kennedy et al. discloses a method for producing a program for scheduling and maintaining business contacts on a computer. Claim 12 further limits claim 9 by adding a method wherein a scheduled event includes the steps of delivering communications without a user intervention. This is interpreted as a scheduled event that is automatically initiated via a pre-programmed criteria or user preference. Claim 13 further limits claim 9 by adding a method wherein a scheduled event includes the step of prompting a user for intervention. This is interpreted as a scheduled event that is manually initiated / halted by the user.

In attorney's arguments it is asserted that Kennedy et al. does not "...disclose the use of a timed-based reference to start a search." Kennedy et al. discloses the followings, "Another category of functionality associated with computerized business contact management systems is the maintenance of an appointment calendar and scheduling future appointments and automatic follow-up reminders. In the known systems, a user enters various scheduled activities in an appointment calendar utility." This appointment calendar utility as it relates to scheduled events describes the use of a time-based reference.

Although this form is not found in Xcontact, it would have been obvious to provide the method of Xcontact to include the time-based reference as taught by Kennedy in order for an individual to establish, develop, and maintain relationships with

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customers and vendors. Moreover, to have modified the method of Xcontact to have included the time-based reference would have been obvious to the skilled artisan because the inclusions of such step would have been an obvious matter of design choice in light of the method already disclosed by Xcontact. Such modifications would not have otherwise affected the method of Xcontact and would merely represent one of numerous steps that the skilled artisan would have found obvious because the successful performance of a business relies upon establishing and then adhering to a set of contact communication protocols (at least column 1, lines 15-27) as disclosed by Kennedy et al. Additionally applicant has not persuasively demonstrated the criticality of providing this step versus the step disclosed by Xcontact.

Referring to claims 6, 18, and 30. Xcontact discloses a computer-based method and a computer media product according to claims 3, 14, and 29 as indicated supra. Xcontact does not expressly disclose a computer-based method and a computer media product wherein a time-based reference comprises any of: frequency of contact, time between contacts or calendar-based contact. Kennedy et al. discloses a computer-based method wherein a time-based reference comprises any of: frequency of contact, time between contacts or calendar-based contact (at least column 2, lines 13-58). Although this form is not found in Xcontact, it would have been obvious to provide the method of Xcontact to include the limitations as taught by Kennedy in order for an individual to establish, develop, and maintain relationships with customers and vendors. Moreover, to have modified the method of Xcontact to have included the time-based reference components would have been obvious to the skilled artisan because the



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inclusions of such components would have been an obvious matter of design choice in light of the method already disclosed by Xcontact. Such modifications would not have otherwise affected the method of Xcontact and would merely represent one of numerous steps that the skilled artisan would have found obvious because the successful performance of a business relies upon establishing and then adhering to a set of contact communication protocols (at least column 1, lines 15-27) as disclosed by Kennedy et al. Additionally applicant has not persuasively demonstrated the criticality of providing this step versus the step disclosed by Xcontact.

Referring to claims 7, 19, and 29. Xcontact discloses a computer-based system and an article of manufacture for dynamically selecting possible contacts according to claims 5, 16, and 26 as indicated supra. Xcontact does not expressly disclose a search module comprising, comparing applicable time-based references stored in said user preferences with said timer module, and upon a positive comparison, initiating said search. Kennedy et al. discloses a search module comprising, comparing applicable time-based references stored in said user preferences with said timer module, and upon a positive comparison, initiating said search (at least column 1, lines 38-59). Although this form is not found in Xcontact, it would have been obvious to provide the method of Xcontact to include the limitations as taught by Kennedy in order for an individual to establish, develop, and maintain relationships with customers and vendors. Moreover, to have modified the method of Xcontact to have included the time-based reference components would have been obvious to the skilled artisan because the inclusions of such components would have been an obvious matter of design choice in light of the

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method already disclosed by Xcontact. Such modifications would not have otherwise affected the method of Xcontact and would merely represent one of numerous steps that the skilled artisan would have found obvious because the successful performance of a business relies upon establishing and then adhering to a set of contact communication protocols (at least column 1, lines 15-27) as disclosed by Kennedy et al. Additionally applicant has not persuasively demonstrated the criticality of providing this step versus the step disclosed by Xcontact.

Referring to claims 8, 20, and 32. Xcontact discloses a computer-based method and a computer-based system according to claims 1, 14, and 26 as indicated supra. Xcontact does not expressly disclose a computer-based system and a computer-based method wherein selection of a potential contact in said search step is either random or based on a select algorithm. Kennedy et al. discloses a computer-based system and a computer-based method wherein selection of a potential contact in said search step is either random or based on a select algorithm (at least column 1, line 15 to column 2, line 10). Although this form is not found in Xcontact, it would have been obvious to provide the method of Xcontact to include the limitations as taught by Kennedy in order for an individual to establish, develop, and maintain relationships with customers and vendors. Moreover, to have modified the method of Xcontact to have included the search step components would have been obvious to the skilled artisan because the inclusions of such components would have been an obvious matter of design choice in light of the method already disclosed by Xcontact. Such modifications would not have otherwise affected the method of Xcontact and would merely represent one of

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numerous steps that the skilled artisan would have found obvious because the successful performance of a business relies upon establishing and then adhering to a set of contact communication protocols (at least column 1, lines 15-27) as disclosed by Kennedy et al. Additionally applicant has not persuasively demonstrated the criticality of providing this step versus the step disclosed by Xcontact.

Referring to claim 31. Xcontact discloses an article of manufacture comprising a computer media product implementing a process for selecting and presenting to a user possible candidates for contact according to claim 31 as indicated supra. Xcontact does not expressly disclose a search comprising, comparing applicable time-based references stored in said user preferences with a timer function, and upon a positive comparison, initiating said search. Kennedy et al. discloses a search comprising, comparing applicable time-based references stored in said user preferences with a timer function, and upon a positive comparison, initiating said search (at least column 1, lines 38-59). Although this form is not found in Xcontact, it would have been obvious to provide the method of Xcontact to include the limitations as taught by Kennedy in order for an individual to establish, develop, and maintain relationships with customers and vendors. Moreover, to have modified the method of Xcontact to have included the search step components would have been obvious to the skilled artisan because the inclusions of such components would have been an obvious matter of design choice in light of the method already disclosed by Xcontact. Such modifications would not have otherwise affected the method of Xcontact and would merely represent one of numerous steps that the skilled artisan would have found obvious because the

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successful performance of a business relies upon establishing and then adhering to a set of contact communication protocols (at least column 1, lines 15-27) as disclosed by Kennedy et al. Additionally applicant has not persuasively demonstrated the criticality of providing this step versus the step disclosed by Xcontact.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-5, 7-8, 10-15, 17, 19-20, 22-26, 28-29, 31-32, and 34-37 have been considered but are moot in view of the new ground(s) of rejection.

Upon an extended search new primary reference Xcontact was found to anticipate claims 1-2, 4, 10-15, 17, 22-26, 28, and 34-37 resulting in a rejection as dictated by 35 U.S.C. 102(a). A rejection based on Xcontact was also deemed applicable for claims 3, 9, 16, 21, 27, and 33 under 35 U.S.C. 103(a). Lastly claims 5, 7-8, 19-20, 29, and 31-32 were rejected under 35 U.S.C. 103(a) as being anticipated by Xcontact U.S. Patent No. 5,737,726, in view of Kennedy et al. U.S. Patent No. 5,831,611.

Applicant's arguments concerning Kennedy et al., U.S. Patent No. 5,831,611 filed 7/25/02 have been fully considered but they are not persuasive.

In claim 9, Kennedy et al. discloses a method for producing a program for scheduling and maintaining business contacts on a computer. Claim 12 further limits claim 9 by adding a method wherein a scheduled event includes the steps of delivering communications without a user intervention. This is interpreted as a scheduled event that is automatically initiated via a pre-programmed criteria or user preference. Claim

13 further limits claim 9 by adding a method wherein a scheduled event includes the step of prompting a user for intervention. This is interpreted as a scheduled event that is manually initiated or halted by the user.

In attorney's arguments it is asserted that Kennedy et al. does not "...disclose the use of a timed-based reference to start a search." Kennedy et al. discloses the followings, "Another category of functionality associated with computerized business contact management systems is the maintenance of an appointment calendar and scheduling future appointments and automatic follow-up reminders. In the known systems, a user enters various scheduled activities in an appointment calendar utility." This appointment calendar utility as it relates to scheduled events describes the use of a time-based reference.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adler et al. U.S. Patent No. 6,342,901, Jan. 29, 2002; discloses an interactive device for displaying information from multiple sources.

Bates et al. U.S. Patent No. 6,247,043, Jun. 12, 2001; discloses an apparatus, program products and methods utilizing intelligent contact management.

Cameron et al. U.S. Patent No. 6,202,062, Mar. 31, 2001; discloses a system, method and article of manufacture for creating a filtered information summary based on multiple profiles of each single user.

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Raffel et al. U.S. Patent No. 6,169,534, Jan. 2, 2001; discloses a graphical user interface for customer information management

Robertson U.S. Patent No. 6,269,369, Jul. 31, 2002; discloses a networked personal contact manager.


Stevens U.S. Patent No. 6,327,570, Dec. 4, 2001; discloses a personal business service system and method.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

  
JEFFREY A. SMITH  
PRIMARY EXAMINER

August 4, 2002